

REMARKS

This amendment is responsive to the Office Action¹ mailed on December 15, 2006. Claims 1-89 were presented for examination and were rejected. Claim 81 is amended by including limitations of claim 82. Claim 82 is canceled. Claim 83 is amended to conform claim dependencies. No claims are added or amended. Thus, claims 1-81 and 83-89 are pending. Claims 1, 12, 24, 37, 49, 52, 59, 63, 68, 70, 75 and 81 are independent claims.

35 U.S.C §102 REJECTION

Claim 81 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hammer et al., “Information Translation, Mediation, and Mosaic-based Browsing in the TSIMMIS System”, SIGMOD Demo Proposal, CiteSeer, pp. 1-5, 1995 (hereinafter “Hammer”). Claims 1-89 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by DTMF, “Common Information Model (CIM) Specification”, 6-1999, (hereinafter “CIMSPEC”). These rejections are respectfully traversed for the following reasons.

Claim 81 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hammer. MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicants deem allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicants that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim.” *See Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). It is respectfully submitted that Hammer does not satisfy this requirement because each and every element of Applicants’ claim 81 cannot be found in Hammer for the following reasons.

Hammer is a publication related to a SIGMOD demo proposal and is, therefore, an article ultimately directed to management of data (MOD). Hammer discusses “multiple heterogeneous information sources” but only within the context of the subject of management of data. Applicants submit that the context of Hammer does not necessarily disclose or suggest two different computer networks having mutually incompatible software architectures.

By contrast, Claim 81 is directed to an interface which automatically converts communication from a second software architecture network into a form compatible with a first software architecture network and which automatically converts a response to that communication from the first software architecture network into a form compatible with the second software architecture network. First software architecture and second software architecture are, by definition, different software architectures. Therefore, Applicants believe that Hammer is not an anticipation of claim 81 because it does not teach every element of the claim. Applicants submit that it does not teach two mutually incompatible computer network software architectures.

Nevertheless, because the pace of the prosecution of this application has been deliberate, at best, Applicants hereby amend claim 81 to avoid further argumentation over Hammer and to substantially advance the prosecution of this application. Claim 81 now includes the limitations of claim 82. Claim 82 was rejected under 35 U.S.C. § 102(b) only on the basis of an alleged anticipation by CIMSPEC, which is discussed below. Therefore, currently-amended claim 81 is effectively the same as now-canceled claim 82, and the rejection of claim 81 on the basis of Hammer should be withdrawn.

Applicants expressly reserve their rights to file a continuation application on a claim that is equivalent to claim 81 prior to the current amendment if they should deem such action necessary or desirable.

Claims 1-89 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by CIMSPEC. To begin with, CIMSPEC is merely the specification for the Common Information Model prepared by the Distributed Management Task Force (DMTF) and represents a “new” standard software architecture (at least at the time of its publication in 1999). Certain industry participants contributed to the formulation of this specification.

Notably, this is the new software architecture which is discussed in Applicants’ application, incorporated by reference into the application on page 7, lines 18-23, and recited in the claims. For example, in claim 1 “the second software architecture” is the new software architecture. Consider claim 1:

A computer system employing management software written in a first computer language compatible with first software architecture and not compatible with *second software architecture*, said system comprising: a *schema formed within said first software architecture; header files contained within said schema, said header files being represented in said first language* and capable of being utilized by said management software; means for manipulating said header files to locate public functions and/or data attributes of said header files; means, responsive to operation of said manipulating means, for emitting code that calls

said public functions and/or data attributes in said first language to obtain called public functions and/or data attributes; and, means for converting said called public functions and/or data attributes to representations of said called public functions and/or data attributes formed in a different computer language compatible with said second software architecture. (Emphasis added.)

From claim 1, it is clear that Applicants' header files are contained within the schema which is formed within the first software architecture. But, Applicants' first software architecture is legacy architecture with which the recited "management software written in a first computer language" is compatible. This is clear from the dependent claims. For example, claim 3, dependent from claim 1, defines the first computer language as RAID++ and the different computer language as XML/CIM. From Applicants' Fig. 2A, for example, it is clear that RAID++ is legacy architecture and XML/CIM is the new, standard architecture in accordance with CIMSPEC.

Accordingly, Applicants submit that the Office Action erroneously applies CIMSPEC against Applicants' "schema" recited in claim 1. On page 3 of the Office Action, with respect to its application of CIMSPEC against claim 1, the Office Action states: "*a schema formed within said first software architecture* (See the Figure 1-1 in p.3, Repository, Application DBMS, Application Object, or Exchange Parameters, etc. For example, 'Physical schema of a targeted DBMS', or MOF files. Thus, management software such as Application DBMS, Application Object contains schema)." (Emphasis in original) In reviewing page 3 of CIMSPEC, it is clear that the schema being discussed therein is a CIMSPEC schema, not a legacy architecture schema. A CIMSPEC schema is not in any manner equal to, or equivalent to, a legacy architecture schema.

But, as Applicants have shown above, the recited first software architecture clearly means legacy architecture. Since Applicants' claims clearly recite "a schema

formed within said first software architecture” Applicants’ recited schema is formed within legacy architecture, not within the new architecture of CIMSPEC. Therefore, this section of CIMSPEC to which the Examiner refers, or anyplace else in CIMSPEC does not disclose or suggest “a schema formed within said first software architecture” as recited in Applicants’ claim 1. Clearly, CIMSPEC’s schema is different from Applicant’s recited schema. Since MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim, the 35 U.S.C § 102(b) rejection of claim 1 should be withdrawn and the claim allowed for this reason alone.

In addition, the fact that CIMSPEC’s schema is different from Applicants’ schema creates a difference that ripples through the remaining claim elements of claim 1.

For example, Applicants recite “header files contained within said schema...” (emphasis added) wherefore a header file disclosed in CIMSPEC, that may be within the disclosed schema of CIMSPEC cannot be viewed as being equivalent to Applicants’ recited header files contained within “said schema”, because CIMSPEC’s disclosed schema is different from Applicants’ schema. That difference flows from, at least, the schema’s position within non-legacy architecture in CIMSPEC but within legacy architecture (first software architecture) in Applicants’ claim 1. Therefore, CIMSPEC’s header or header file cannot be equivalent to Applicants’ recited header or header file and CIMSPEC does not disclose or suggest “header files contained within said schema, said header files being represented in said first language and capable of being utilized by said management software” as recited in claim 1 (emphasis added). Accordingly, the 35 U.S.C § 102(b) rejection of claim 1 should be withdrawn and the claim allowed for this additional reason alone.

For another example, CIMSPEC cannot disclose Applicants' "header files manipulating means" because, as just noted, CIMSPEC's header file is not equivalent to Applicants' header file. Thus, any manipulating of a header file in CIMSPEC would be a manipulation of a non-equivalent header file. Therefore, CIMSPEC cannot disclose or suggest: "means for manipulating said header files to locate public functions and/or data attributes of said header files" as recited in claim 1 (emphasis added). Accordingly, the 35 U.S.C § 102(b) rejection of claim 1 should be withdrawn and the claim allowed for this additional reason alone.

Similarly, CIMSPEC cannot disclose or suggest Applicants' recited code emitting means because, as just noted, CIMSPEC's "header files manipulating means", if any, would not be equivalent to Applicants' header files manipulating means. Any code emitted in CIMSPEC that calls public functions, etc., if any, would be responsive to operation of a non-equivalent manipulating means. Therefore, CIMSPEC cannot disclose or suggest: "means, responsive to operation of said manipulating means, for emitting code that calls said public functions and/or data attributes in said first language to obtain called public functions and/or data attributes" as recited in claim 1 (emphasis added). Accordingly, the 35 U.S.C § 102(b) rejection of claim 1 should be withdrawn and the claim allowed for this additional reason alone.

Finally, the schema difference ripples through the last element of claim 1. Applicants' converting means, likewise cannot be disclosed or suggested by CIMSPEC because, as just noted, CIMSPEC's code emitting means, if any, is not equivalent to Applicants' recited code emitting means. Thus, the called public functions and/or data attributes, if any, called by CIMSPEC's code emitting means, if any, are not equivalent to

Applicants' called public functions and/or data attributes. Therefore, CIMSPEC cannot disclose or suggest: "means for converting said called public functions and/or data attributes to representations of said called public functions and/or data attributes formed in a different computer language compatible with said second software architecture" as recited in claim 1. Accordingly, the 35 U.S.C § 102(b) rejection of claim 1 should be withdrawn and the claim allowed for this additional reason alone.

Independent claims 12, 24, 37, 49, 52, 59 and 75 each recite schema or header subject matter similar to that recited in claim 1, as follows, (with emphasis added):

Claim 12 recites, *interalia*: "A computer network employing a computer system utilizing management software written in a first computer language compatible with first software architecture and not compatible with second software architecture, said network comprising: a schema formed within said first software architecture; header files contained within said schema, said header files being represented in said first language and capable of being utilized by said management software."

Claim 24 recites, *interalia*: "A method for utilizing standardized software architecture to be practiced in a computer system employing management software written in a first computer language compatible with first software architecture and not compatible with said standardized software architecture, said method comprising: said management software utilizing a schema having header files in said first language."

Claim 37 recites, *interalia*: "A computer program product including management software written in a first language and embodied in a computer system for operation on said computer system designed in accordance with first software architecture and not compatible with other than said first software architecture, said computer program

product comprising: programmable code for utilizing a schema having header files in said first language.”

Claim 49 recites, *interalia*: “A computer program product compatible with preferred non-legacy software architectures and operating in a computer system employing management software written in a first computer language compatible with legacy software architecture and not compatible with said preferred non-legacy software architectures, said computer program product embodied in said computer system and comprising: programmable code for utilizing a schema having header files in said first language.”

Claim 52 recites, *interalia*: “In a computer network including a computer system having a functional system therein with management software including a schema for managing said functional system under control of said computer system in accordance with first software architecture, a translator-compiler embodied in said computer system for permitting communication about said managing said functional system to be transmitted between said computer system and computer devices operating under second software architecture, said translator-compiler comprising: program code for accessing header files within said schema to obtain a header file containing particular information.”

Claim 59 recites, *interalia*: “A method to be practiced on a computer system in a computer network including a functional system controlled by said computer system compatible with legacy software architecture having header files, said method comprising receiving and manipulating said header files.”

Claim 75 recites *interalia*: “In a computer network including a computer system and a storage system controlled by said computer system, a method for managing storage

compatible with software architecture having header files, said method being deployed on both said computer system and said storage system, said method comprising: translating and manipulating said header files; receiving first requests from outside of said network in first language incompatible with said software architecture.”

As can be seen, in each of these independent claims, the header files are included in a schema in a first language (legacy language) and/or in a first or legacy architecture. As such, they are not equivalent to the header files in CIMSPEC. It is respectfully submitted that the 35 U.S.C. § 102(b) rejection of claims 12, 24, 37, 49, 52, 59 and 75 should be withdrawn and the claims allowed, at least for the reasons given above with respect to claim 1.

Claims 2-11, dependent from claim 1, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 1.

Claims 13-23, dependent from claim 12, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 12.

Claims 25-36, dependent from claim 24, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 24.

Claims 38-48, dependent from claim 37, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 37.

Claims 50-51, dependent from claim 49, are allowable, at least for reasons based on their dependency, directly or indirectly, directly or indirectly, from allowable base claim 49.

Claims 53-58, dependent from claim 52, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 52.

Claims 60-62, dependent from claim 59, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 59.

Claims 76-80, dependent from claim 75, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 75.

According to the Office Action (pg. 6), independent claims 63, 68 and 70 are rejected on the same rationale used for rejecting claim 59. But, the rationale used for rejecting claim 59 is flawed. For example, with respect to recited header files in claim 59, the Office Action alleges:

“receiving and manipulating said header files (See the teaching of compiler (p. 46) such as Figure 5-1, it receives the actual instances or the definitions existed in these kinds of schemas and manipulating for a mapping to CIM objects; or the mapping (p. 60) it receives meta constructs: or the MIF to CIM (p. 61) in figure 6-2, wherein this figure, it shows a schema having heading GROUP with name, ID, class, and referenced with an “include” to attributes: *‘header files’*. Also refer to p. 46: actual instances are manipulated;”

(Office Action, page 5, bottom, emphasis in original) The Office Action thus alleges that in Fig. 5-1 on page 46 of the CIMSPEC, header files are received and manipulated. The Office Action’s reference to “these kinds of schemas” is a reference to the schemas presented in the CIMSPEC on page 3 which are not legacy architecture schemas. This was discussed above with respect to independent claim 1. Accordingly, to the extent any schema is being described as being manipulated on page 46 of CIMSPEC, it is a description of a manipulation of the wrong schema - it is a manipulation of a CIMSPEC schema. As before, the subsequent application of CIMSPEC against the remainder of the elements of claim 59 is likewise flawed, because the subsequent application is ultimately

grounded in the wrong schema. It is based on the CIMSPEC schema and not a legacy architecture schema.

Therefore, since the rejection of independent claims 63, 68 and 70 is admittedly based on the rationale used to reject claim 59, (*see* Office Action page 6), and since the rationale used to reject claim 59 is flawed, then the rejection of these three claims is likewise based on flawed rationale. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) of claims 63, 68 and 70 be withdrawn and the claims allowed.

Claims 64-67, dependent from claim 63, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 63.

Claim 69, dependent from claim 68, is allowable, at least for reasons based on its dependency from allowable base claim 68.

Claims 71-74, dependent from claim 70, are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 70.

Claim 81 is rejected under 35 U.S.C. § 102(b) as being anticipated by CIMSPEC, the rejection being addressed in the Office Action on pages 6-7. Claim 81 has been amended to include the limitation of now-canceled claim 82 wherein the first software architecture is now defined as legacy software architecture and the second software architecture is now defined as non-legacy software architecture. The Office Action alleges that Application DBMS, Application Object, MOF, MIF, GDM, and SMI files represent “first software architecture” and “CIM object represents the second software

architecture converted form [from] the first software architecture.” (Office Action page 7)

First of all, Applicants’ claim does not recite “second software architecture converted from the first software architecture” - Applicants are not converting software architectures by way of the claimed interface as the Office Action states. Rather, with respect to the differently architected first and second computer networks, Applicants’ interface converts incompatible “communication” and “response to said communication” from the first and the second computer networks into compatible communication and responses thereto.

In addition, to the extent that the various files noted (MOF, MIF, GDM, SMI, etc.) may represent a first software architecture, as alleged in the Office Action, then these files cannot represent the software architecture as claimed. Indeed, claim 81 recites that the first software architecture is legacy software architecture, but these files are all established within the context of the CIMSPEC, the new software architecture, which means they cannot be the old, legacy software architecture.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim.” *See Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). For reasons given above, using this criteria, claim 81 is not anticipated, at least because legacy software architecture as

recited in currently amended claim 81 is not disclosed in CIMSPEC. Therefore, the 35 U.S.C. § 102(b) rejection of claim 81 should be withdrawn and the claim allowed.

Claims 83-89, dependent from claim 81 are allowable, at least for reasons based on their dependency, directly or indirectly, from allowable base claim 81.

CONCLUSION

Reconsideration and allowance of all pending claims are respectfully requested. To the extent that the above-discussed, or any other, Office Action citations of CIMSPEC were applied against particular dependent claim elements but not expressly rebutted herein, it is to be understood that Applicants' silence does not mean or imply acquiescence. Rather, Applicants believe that any response to application of such citations would be moot in view of the foregoing arguments and provisions of MPEP §§ 2131.

To the extent that an extension of time may be needed in order to enter this Reply in this case, please consider this response as including a petition under 37 C.F.R. § 1.136 for such extension of time. Please charge any fee for such petition or any other fee or cost that may be incurred by way of this amendment to Patent Office deposit account number **05-0889**.

If the Examiner feels that a telephone conversation may serve to advance the prosecution of this application, he is invited to telephone Applicants' undersigned representative at the telephone number provided below.

Respectfully submitted,

JOEL WALL
Registration No. 25,648

TELEPHONE:
JOEL WALL ESQ.
508-625-1323
March 12, 2007